IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINETH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 16969 of 2004

Between:

Arakala Rajamallu S/o. Mallaiah
R/o. SMG-3, Incline, Mandamarri Division, R/o. H.No.20 Srt, Takulabasti, Bellamarri, Adilabad District.

..... PETITIONER

AND

1 General Manager (Personnel), Personnel Department, Singareni Colleries Ltd, Bellampalli, Adilabad District.
2 Collieries Manager SMG-3, Incline, Singareni Colleries Ltd., Mundamarri Divisions, Adilabad District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ order or direction more in the nature of writ of Mandamus declaring the action of the respondents for not promoting the petitioner as Acting Munshi on temporarily basis without paying the scale in the cadre of Acting Munshi as illegal, arbitrary, unconstitutional and violative of Artice 14, 21, of the Constitution of India and to pass such other or further orders as Hon'ble Court may deem fit and proper.

Counsel for the Petitioner: MR.P.JAGADISH CHANDRA PRASAD

Counsel for the Respondents: MR.NANDIGAM KRISHANA RAO

The Court at the stage of admission, made the following :

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ORAL ORDER

The grievance of the petitioner is that he was not paid the scale in the cadre of acting Munshi for the period during which he acted as a Munshi. The petitioner, therefore, approached this Court through this Writ petition seeking to declare that the action of the respondents in not promoting the petitioner as acting Munshi on temporary basis without paying the scale in the cadre of acting Munshi as illegal, arbitrary and unconstitutional.

The respondents filed counter-affidavit and in Para No.7, it is categorically mentioned by the respondents that on 01-01-2004 the petitioner was promoted to "C" grade and whereas he officiated as acting Munshi in "E" grade which is a lower grade compared to "C" grade. Since the petitioner was drawing higher wages in "C" grade, the question of paying wages, as acting Munshi does not arise.

In the light of the averments made in the counter-affidavit by the respondents, the writ petition became infructuous.

Hence, the writ petition is dismissed as infructuous. No order as to costs.

_____ Dr.G.YETHIRAJULU, J.

Dated: 29th October, 2004.

*TSNR

To

1. General Manager (Personal), Personal Department, Singareni

Colleries Ltd, Bellampalli, Adilabad District.

2 Collieries Manager SMG-3, Incline, Singareni Colleries Ltd., Mundamarri Divisions, Adilabad District.

3 Two C.D.Copies